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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,895	01/09/2002	G. William Ragland	002004-299	3819

21839 7590 11/17/2003

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EXAMINER

SAVAGE, JASON L

ART UNIT PAPER NUMBER

1775

DATE MAILED: 11/17/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

C106

Office Action Summary	Application No.		Applicant(s)	
	10/044,895		RAGLAND, G. WILLIAM	
	Examiner		Art Unit	
	Jason L. Savage		1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 and 16-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

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Election/Restriction

1. Applicant's election of Group I, claims 1-8 and 12-15 in Paper No. 5 is acknowledged. Applicant asserts that the restriction is improper because there would not be an undue burden in searching the claims. However, as was pointed out in the restriction, the search for additional groups would require additional searches not required for the search for the invention of Group I and thus would constitute an undue burden. Therefore the restriction is considered proper and **FINAL**.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation in claims 1, 2 and 6 wherein the bottom or top sheet comprising multilayer metal foil is indefinite since it is unclear as to what structure Applicant intend by this limitation. Does Applicant intend some specific foil structure or merely that there are at least 2 foil sheets which make up the 'bottom sheet'? Giving the claims their broadest interpretation, the limitation

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has been treated as meaning that a multilayer metal foil is merely more than one foil layer combined in any configuration.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ragland'701 (US 5,408,071).

Ragland'701 teaches a multicompartment sheet of unitized material comprising a bottom section comprising multiple layers of metal foil having compartments formed therein and top sheet comprising multiple layers of metal which covers and seals the compartments in the bottoms sheets wherein the top and bottom sheets are bonded together (Figures 1-3).

Ragland'701 further teaches that the sheet may contain filler in the compartments (col. 1, ln. 57 - col. 2, ln. 7).

Regarding the limitation that the bottom sheet and top sheet comprise multilayer metal foil in claims 1, 2 and 6, Ragland'701 teaches multiple layers of metal foil and structures having

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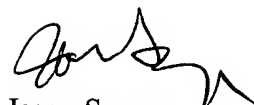
greater than 4 foil layers and thus would meet the limitations of multilayer metal foils for both the bottom and top sheets.

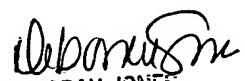
Regarding the limitations of how the sheets are joined, Ragland'701 teaches that the edges may be compressed which would form nested corrugations, the edges may be folded and crimped and adhesives may be used as well (col. 3, ln. 38-49 and col. 4, ln. 54-66).

6. Any inquiry to this communication or earlier communications from the Examiner should be directed to Jason Savage, whose telephone number is (703)305-0549. The Examiner can normally be reached Monday to Friday from 6:30 AM to 4:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Deborah Jones, can be reached on (703)308-3822.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-2351.


Jason Savage


DEBORAH JONES
SUPERVISORY PATENT EXAMINER

11-17-03